



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

judgment, the Court shall construe it upon the request of any party.

Article 59

An application for revision of a judgment can be made only when it is based upon the discovery of some new fact, of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

No application for revision may be made after the lapse of five years from the date of the sentence.

Article 60

Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

Article 61

Whenever the construction of a convention in which States, other than those concerned in the case, are parties, is in question, the Registrar shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be as binding upon it as upon the original parties to the dispute.

Article 62

Unless otherwise decided by the Court, each party shall bear its own costs.

"The next step by which the system of peaceable settlement of international disputes can be advanced, the pathway along which it can be pressed forward to universal acceptance and use, is to substitute for the kind of arbitration we have now, in which the arbitrators proceed according to their ideas of diplomatic obligation, real courts where judges, acting under the sanctity of the judicial oath, pass upon the rights of countries, as judges pass upon the rights of individuals, in accordance with the facts as found and the law as established. With such tribunals, which are continuous, and composed of judges who make it their life business, you will soon develop a bench composed of men who have become familiar with the ways in which the people of every country do their business and do their thinking, and you will have a gradual growth of definite rules, of fixed interpretation, and of established precedents, according to which you may know your case will be decided."—ELIHU ROOT, speaking at the opening meeting of the American Society for Judicial Settlement of International Disputes, 1910.

ADDRESS BY BARON DESCHAMPS

Closing Address by the President of the Advisory Committee of Jurists Charged with the Duty of Drafting a Project for the Establishment of an International Court of Justice, Delivered in the Palace of Peace at The Hague, July 24, 1920.

WHEN THE International Committee of Jurists named by the Council of the League of Nations to prepare a plan of organization for a Permanent Court of International Justice met for the first time in public session in this palace the dominating impression of all the members was that of the formidable responsibility which they had assumed.

Assuredly we had at that time every desire to achieve success, but nevertheless we knew that the best intentions and the most earnest efforts are not always sufficient to bring about the desired results.

We had a very clear view of the end to be sought, but the road which had to be followed to reach it was a long one, and it appeared to us to be sown with so many obstacles that we could only ask ourselves if it would be given to us to surmount them.

The efforts attempted in 1907 by a world assembly of the powers toward the organization of a Permanent Court of Arbitral Justice and in the direction of obligatory arbitration were also present to increase our apprehensions.

Having in mind the grandeur of the task to be accomplished and of the progress which it would involve for the good of all nations, we dedicated ourselves to our work, guarding ourselves from that skepticism which is common among many, but applying to the study of the problems which stood before us that systematic openness of mind of Descartes, which, when well applied, is a powerful instrument of light and the surest guarantee of positive results.

We commenced by long exchanges of views and submitted our opinions, which were sometimes divergent to the most severe examinations. In just such an atmosphere of free and living criticism the hopes of a common agreement among us were born and brought into full life.

We cannot certainly flatter ourselves upon having created a perfect work. The material before us does not, indeed, permit of that, and without doubt it is fitting to recall here that descriptive expression of Portalis in the preliminary part of the civil code: "It is absurd to abandon one's self to absolute ideas of perfection in matters which are susceptible to only a relative degree of good." But we nevertheless have the consciousness of being able to propose to the nations a general system of international justice whose projection in the future, it seems to us, should be happy and very fruitful.

In the work of elaboration to which we set ourselves, we decided that we should not lock ourselves up in a secret chamber inaccessible to the ordinary man. We are glad, indeed, to have kept the general public in touch with our discussions. Now that these discussions are terminated, and while reserving, as is necessary, to those from whom authority flows the text of the 62 articles forming the project agreed upon by us, we believe we can, nevertheless, respond to the universal interest by

giving in a résumé what the Press has already published and in outlining in a general manner the scheme of our labors.

Three great problems have especially called for our consideration:

The first is that of the organization of the Court of International Justice. It appears to us necessary at the outset to set off sharply the place to be occupied by the new institution among the different bodies which together form the ensemble of international jurisdiction. It was a question of creating a court of justice truly permanent, directly accessible to the parties, and composed of magistrates who should be independent, chosen without regard to their nationality among persons held in the highest moral esteem and fulfilling the conditions required in their respective countries for the exercise of the highest judicial positions.

It is an existing and proved institution, the present Court of Arbitration at The Hague, which we have taken as the basis of the new organization, in the sense that we have deemed it wise to entrust to the members of this court the task of proceeding by national groups to the nomination of a restricted number of persons capable of fulfilling the functions of members of the court; and we have asked each national group, in order to secure the best advice in its choice, to consult in the respective countries the highest court of justice, the faculties and schools of law, the national academies, and the national sections of international academies devoted to the study of law.

Two names are to be chosen by each of these national groups without distinction as to nationality.

The final choice, however, is left to the Assembly and the Council of the League of Nations, in such manner that the election of the members of the court can come about only through the joint action of the one with the other.

Moreover, we have adopted a series of provisions which on the one hand directs the selections toward giving representation to the great divisions of civilization and to the principal judicial systems of the world in such a way as to give the court a truly world-wide constitution, and which on the other hand provide suggestions in cases where accord is not established between the Council and the Assembly.

As regards the functioning of the Court, we are provided for the annual formation of a chamber of three judges, called to sit in cases of summary procedure when the parties demand it.

The second capital question upon which our attention was naturally centered was the competence of the court.

Our principal effort was directed toward two objectives: First, the realization of a system of obligatory adjudication in differences of a judicial nature, and by extension in all other differences so far as they may be covered by either general or special conventions between the parties. The declarations made and the engagements undertaken by the second Peace Conference, in 1907, served as the point of departure in this connection.

Next, we attempted to lay down rules of judicial interpretation which the judges should apply in the examination of cases submitted to them. The third point was the object of very particular consideration, namely, procedure before the court. We believe that we have

satisfactorily solved a rather large number of questions of this sort, notably as to the measures to be taken at the outset of certain cases, as to the intervention of third parties in disputes and as to the conditions under which judgments may be rendered by default.

If there be added to the provisions contained in the project two recommendations, the first for the methodical continuation of the work undertaken by the first Hague conferences for the advancement of international law; and, second, the creation of a High Court of International Justice to judge future crimes against public international law and the universal rights of peoples; and, finally, the recommendation for the early functioning of the Academy of International Law at The Hague, we shall then have a general view of the field in which our activity has taken place.

The reception which has been given us in the capital of Holland by Her Majesty the Queen, the many cordial attentions paid us by the Foreign Minister and the Vice-President of our committee, as well as by so many other persons and institutions whose names spring to my mind at this moment, impose upon us the pleasant duty of expressing here our feelings of deep gratitude. We do not doubt that the Council of the League of Nations will join with us in expressing in its turn its gratitude for the reception given its representatives. We express the wish that our stay upon Dutch soil may be fruitful for the well-being of the country which has so well received us, for the rapprochement of peoples toward international justice, and for the good of humanity.

Mr. HARDING WRITES A LETTER

Dr. Jacob Gould Schurman, President of Cornell University, recently wrote to Mr. Harding, Republican candidate for President, pointing out that a conference of college and university executives and faculty members was about to be held in New York, a conference largely comprising scholars interested in the international policies of this country, particularly with reference to the association of this country with other nations in behalf of world peace. Dr. Schurman suggested that a message from Senator Harding on the subject would be welcomed. Accordingly, Senator Harding wrote the following reply. The letter is printed here as an illustration of that public sentiment strongly adverse to any "league to enforce peace."—THE EDITOR.

"MARION, OHIO, September 15, 1920.

"Dr. JACOB GOULD SCHURMAN,
"President's House, Cornell University, Ithaca, N.Y.

"MY DEAR DR. SCHURMAN: Your letter of September 11 is before me, with its suggestion that a word of greeting to the conference of university people which you will hold on Saturday, September 18, might be acceptable. I am very glad to comply.

"The difference between our attitude toward the League of Nations and that of our opponents is easily stated. President Wilson has twice rejected the opportunity to secure ratification of the Peace Treaty with what the Senate agreed upon as safeguarding reservations, because he insists upon the original Article X as the very essence of the covenant. The Democratic platform indorses this attitude and the Democratic nominee